

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1158 OF 2017
IN
CRIMINAL APPEAL NO. 678 OF 2017**

Nilesh Ramchandra More .. Appellant

v/s.

State of Maharashtra ..Respondent

Mr. Aniket U. Nkam a/w. Piyush Toshniwal the Appellant.
Mr. Rajan Salvi, APP for the Respondent State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th AUGUST, 2017.**

P.C.

1. By this application, the applicant herein , who was an accused in Special POCSO Case No.351 of 2014, has been sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.1000/- for offence punishable under Section 509 of the Indian Penal Code, and rigorous imprisonment for one year and fine of Rs.1000/-, for offence under Section 11 r/w. 12 of the Prevention of Children from Sexual Offences (POCSO) Act, 2012 has sought suspension execution of sentence pending the final hearing of the

appeal on merits.

2. Heard the learned Counsel for the applicant and the learned APP for the State.

3. Mr. Nikam, the learned counsel for the applicant has submitted that the applicant has already paid the fine amount before the Special Judge, Pune.

4. The sentence imposed is short term imprisonment, coupled with the fact that the appeal is of the year 2017 and is not likely to come up for final hearing in a couple of years due to pendency of old cases. Hence, if the sentence is not suspended, the applicant will have to undergo the entire sentence even before his appeal is heard on merits.

5. Under the circumstances, the application is allowed in terms of prayer clause (a). The execution of sentence is suspended till disposal of the appeal on merits, on the applicant furnishing fresh bail bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned Addl. Sessions/Special Judge (POSCO) Pune.

. The applicant shall not interfere in any manner with the victim.

. The applicant shall furnish his permanent as well as local address if any, and also intimate his contact number to the Investigating Officer as well as in the fresh bail bonds.

(ANUJA PRABHUDESSAI, J.)